

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION**

State of South Carolina,)	CA: 1:16-00391-JMC
)	
Plaintiff,)	
)	
v.)	
)	
United States, <i>et al.</i> ,)	
)	
Defendants.)	
)	

JOINT STATEMENT

In accordance with this Court's April 20, 2017 text order (ECF No. 90), the parties submit the following joint written statement on the status of this litigation.

Pursuant to the Court's April 20th Order, the Parties have engaged in good faith discussions to reach agreement as to a proposed order sufficient to form the basis of an injunctive order contemplated by the Court's March 20, 2017 Order (ECF No. 86). However, the Parties have not been able to reach agreement as to a proposed order, and do not believe that further discussions would be constructive. Accordingly, as the Parties proposed in the Federal Defendants' consent motion of April 20, 2017 (ECF No. 89), which this Court granted via text order on April 20, 2017 (ECF No. 90), the Parties make the following proposals for the dates for filing their respective statements regarding an appropriate remedy:

The State proposes to file its statement on July 31, 2017.

The Federal Defendants propose to file their statement on September 15, 2017.

Defendants believe the September 15, 2017 date is reasonable under the circumstances because (1) the Federal Defendants' declarant, Dr. Allen Gunter, is currently out of the office and unable

to participate in the drafting of his declaration until his return to the office on August 14, 2017; and (2) undersigned counsel for the Federal Defendants Raphael Gomez is out of the office on vacation between August 9 and August 15, and out of the office handling depositions in another matter from August 24 through September 1 and again from September 5 through September 8. Federal Defendants do not agree with the State's characterization of their proposal as inconsistent with this Court's March 20 directive, and do not agree that they are seeking an extension, but rather are proposing a date for the submission of their statement, as specifically provided for in the Defendants' consent motion of April 20, 2017, which this Court granted.

The State does not consent to the Federal Defendants' proposed date for filing of the Federal Defendants' statement because (1) the State already consented to the Federal Defendants' request for an extension of almost 3 ½ months of the Court's original April 20 deadline for the submission of the joint statement solely to allow the Federal Defendants time to develop a reasonable proposal for the State's consideration; (2) the Federal Defendants did not submit a substantive proposal for the State's consideration until July 20; (3) despite the additional time afforded to the Federal Defendants, their proposal, in the State's view, was inconsistent with the Court's directive in its March 20 Order; and (4) the State believes the Federal Defendants' request for another extension to submit their statement to the Court on September 15—which is approximately six months after this Court's March 20 Order—is unreasonable given that their proposal should have been supported and near-ready for submission at the time it was presented to the State.

[Signature Pages Follow]

Respectfully submitted,

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July 31, 2017
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